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July 26, 2013

The Honorable Rudolph T. Randa  
United States District Court  
Eastern District of Wisconsin  
517 East Wisconsin Avenue  
Milwaukee, WI 53202

Re: *Michael G. Levine vs. JPMorgan Chase & Co.*  
U.S. Dist., E.D. Wis. Case No. 13 CV 00498

Dear Judge Randa:

It is our position that the Motion for Sanctions filed by the defendant JPMorgan Chase & Co. is not properly before the Court. The motion was in large part premised upon the plaintiff Michael Levine's failure to respond to a Motion to Dismiss; however, Mr. Levine had never received the motion to dismiss paperwork, by email or hard copy. This lack of service led to the stipulation for a briefing schedule regarding the motion to dismiss, which briefing has now recently concluded.

Our position on the procedural posture of this case notwithstanding, Mr. Levine respectfully submits that he has, in fact, substantively responded to the Motion for Sanctions in the form of his response brief to the Motion to Dismiss and his Motion for Leave to File Second Amended Complaint and proposed Second Amended Complaint, all of which address the issues raised in the defendant's Motion for Sanctions.

Again, however, it is the plaintiff's position that there are currently only two matters before the Court: the Defendant's Motion to Dismiss and the Plaintiff's Motion for Leave to File Second Amended Complaint. The plaintiff understood the previously filed Motion for Sanctions to be premised upon a non-response to the Defendant's Motion to Dismiss and when the purported non-response was addressed by a briefing schedule, the

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Motion for Sanctions became moot or held in abeyance pending resolution of the motion to dismiss.

Thank you for your consideration.

Respectfully,

LAW OFFICES OF ROBERT A. LEVINE

/s/ Robert A. Levine  
Robert A. Levine

cc: John D. Finerty, Esquire (via ECF)  
Christopher E. Nyenhuis, Esquire (via ECF)